

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jose Pareja, individually and on behalf of all
others similarly situated,

Plaintiff,

-against-

184 Food Corp. et al.,

Defendants.

USDC SDNY
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1:18-cv-05887 (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

In accordance with the Court's prior Orders, Plaintiff was to file a renewed motion for default judgment with respect to the defendants that have not appeared in this action no later than October 29, 2020 and, Plaintiff and Defendants 0113 Food Corp., Giovanni Marte, Gustavo Marte, and Jose Marte (the "Appearing Defendants") were to file a motion for settlement approval no later than November 9, 2020. (See 9/25/20 Memo Endorsement, ECF No. 236; 9/29/2020 Order, ECF No. 237.) In addition, the Appearing Defendants were to seek a Certificate of Default from the Clerk of Court regarding their crossclaim against 184 Food Corp. no later than October 29, 2020. (9/29/2020 Order.) The parties have failed to comply with these deadlines. Accordingly, it is hereby Ordered as follows:

1. No later than Tuesday, November 17, 2020, Plaintiff shall file a renewed motion for default judgment with respect to the defendants that have not appeared in this action.

2. No later than Tuesday, November 17, 2020, Plaintiff and the Appearing Defendants shall file a joint letter or motion that addresses whether the settlement is fair and reasonable. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).
 - a. The letter or motion should address the claims and defenses, the defendants' potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the plaintiffs' case and the defendants' defenses, any other factors that justify the discrepancy between the potential value of plaintiffs' claims and the settlement amount, the litigation and negotiation process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).
 - b. The joint letter or motion should also explain the attorney fee arrangement, attach a copy of the retainer agreement, and provide information as to actual attorney's hours expended and the relevant experience of the attorney(s). Finally, a copy of the settlement agreement itself must accompany the joint letter or motion.
3. No later than November 17, 2020, the Appearing Defendants shall seek a Certificate of Default from the Clerk of Court regarding their crossclaim against 184 Food Corp.

SO ORDERED.

DATED: New York, New York
November 10, 2020



STEWART D. AARON
United States Magistrate Judge